

\*\*E-Filed 7/10/08\*\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

DAVID COOPER,

Petitioner,

v.

ANTHONY HEDGPETH, Warden,

Respondent.

Case Number C 08-2335 JF

ORDER TO SHOW CAUSE

Petitioner, a state prisoner currently incarcerated at the Kern Valley State Prison, Delano, California, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by counsel. Venue is proper because Petitioner was convicted and sentenced in the San Francisco Superior Court, which is located within the Northern District of California. *See* 28 U.S.C. § 2241(d) (providing that venue is proper in either the district in which the petitioner was convicted and sentenced or the district in which the petitioner is incarcerated).

IT IS ORDERED as follows:

(1) The Clerk of the Court shall serve by certified mail a copy of the petition and a copy of this Order upon counsel for Respondent, the Attorney General of the State of California. The Clerk of the Court also shall serve a copy of this Order upon counsel for Petitioner, David

McNeil Morse.

(2) Respondent shall, within thirty (60) days after receiving this order, file and serve upon Petitioner's counsel an answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not issue. At the time the answer is filed, Respondent shall lodge with the Court all records relevant to a determination of the issues presented by the petition. If Respondent contends that Petitioner has failed to exhaust state remedies as to any ground for relief asserted in the petition, Respondent shall specify what state remedy remains available to Petitioner. If Respondent waives or concedes the issue of exhaustion, Respondent shall so state in the answer.

(3) Petitioner may file a traverse responding to matters raised in the answer within thirty (30) days after receiving the answer.

(4) Unless otherwise ordered by the Court, the matter will be deemed submitted upon the filing of the traverse or upon the expiration of time to file a traverse.

DATED: 7/10/08

  
JEREMY FOGEL  
United States District Judge

1 Copies of Order served on:

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3 Counsel for Petitioner:

4 David McNeil Morse morsefam@aol.com

5 Counsel for Respondent:

6 Office of the Attorney General of the State of California  
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